

§ 1948.56

7 CFR Ch. XVIII (1–1–05 Edition)

total amount of funds appropriated for and allocated to this program.

§ 1948.56 Program purposes.

(a) FmHA or its successor agency under Public Law 103-354 will make grants for assistance to approved designated areas in accordance with criteria contained in this subpart by providing assistance to fill gaps in growth management and housing planning, and to provide supplementary support for acquisition and development of sites for housing and public facilities and services by States, local governments, and councils of local government.

(b) Efforts will be made to provide comprehensive assistance to approved designated areas through the coordination power of the Secretary of Agriculture by utilizing existing plans, State and local programs, and other Federal programs to the maximum extent possible. Particular attention will be given to the utilization of existing FmHA or its successor agency under Public Law 103-354 authorities under other FmHA or its successor agency under Public Law 103-354 programs in conjunction with this subpart for providing assistance to approved designated areas in accordance with the Governor's approved State Investment Strategy for Energy Impacted Areas.

(c) Where existing plans are unsuitable or nonexistent, and other assistance programs are inadequate or unavailable on a timely basis, FmHA or its successor agency under Public Law 103-354 will provide assistance under this subpart to States, councils of local governments, and local governments for the modification, updating, and/or development of growth management and/or housing plans to deal with problems resulting from coal or uranium development within approved designated areas according to the criteria contained in this subpart.

(d) Where needed, FmHA or its successor agency under Public Law 103-354 will provide assistance for the development of sites and/or the acquisition of sites for housing and public facilities and services within approved designated areas according to the criteria contained in this subpart. Such assistance for site development and acqui-

sition will be made in accordance with FmHA or its successor agency under Public Law 103-354 approved plans and State Investment Strategies for Energy Impacted Areas in accordance with the criteria contained in the subpart.

(e) At the request of the Governor of the appropriate State, FmHA or its successor agency under Public Law 103-354 will take action to acquire real property directly for sites for housing and/or public facilities and services in accordance with procedures set forth in this subpart.

(f) At the request of the Governor of the appropriate State, where neither the State nor local government has power to do so for this purpose, FmHA or its successor agency under Public Law 103-354 may take action through condemnation to acquire real property for sites necessary for housing, public facilities, or services.

§ 1948.57 Eligible activities.

Grant Funds may be used for:

(a) The preparation of growth management and/or housing plans (or aspects thereof) for which financial resources are not available for approved designated areas as set forth in the grant agreement, including but limited to:

(1) One hundred percent of the total cost of developing growth management and/or housing plans.

(2) One hundred percent of the cost of developing aspects of growth management plans and/or housing plans including but not limited to:

- (i) Sewer plans;
- (ii) Water plans;
- (iii) Recreation plans;
- (iv) Transportation plans;
- (v) Education plans; and
- (vi) Subdivision plans.

(3) Payment of salaries of professional, technical, and clerical staff to carry out growth management and housing planning and evaluation;

(4) Payment of necessary reasonable office expenses such as office rental, office utilities, and office equipment rental;

(5) Purchase of office supplies;

(6) Payment of necessary reasonable administrative posts, such as workmen's compensation, liability insurance, and employer's share of social security and travel; and

(7) Payment of costs to undertake tests, make appraisals, and arrange for engineering/architectural services necessary for the planning activity.

(b) Up to 75 percent of the actual cost of developing or acquiring sites for housing, public facilities, or services for which financial resources are otherwise not available as set forth in the grant agreement, including but not limited to:

- (1) Necessary grading and leveling;
- (2) Sewer and water connections;
- (3) Necessary water and sewer lines to housing and public facilities sites;
- (4) Access roads to housing and public facilities sites;
- (5) Restoring previously mined sites;
- (6) Necessary engineering reports in connection with site development;
- (7) Payment of costs to undertake tests, make appraisals, and engineering/architectural services necessary for the site development and/or site acquisition;
- (8) Necessary legal fees involved in the transfer of the real property.

§ 1948.58 [Reserved]

§ 1948.59 Ineligible activities.

(a) Growth management and housing planning grant funds may not be used for:

- (1) Acquisition, construction, repair, or rehabilitation of existing housing and public facilities;
- (2) Replacement of, or substitution for, any financial support previously provided or assured from any other source which would result in a reduction of current efforts on the part of the applicant;
- (3) Duplication of current services;
- (4) Routine administrative activities not allowed under Federal Management Circular FMC 74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"
- (5) Planning for areas other than approved designated areas;
- (6) Planning other than growth management and housing planning; or
- (7) Political activities.

(b) Grant funds for site development may not be used for:

- (1) Construction, repair, or rehabilitation of housing and public facilities;
- (2) Replacement of, or substitution for, any financial support previously provided or assured from any other source which would result in a reduction of effort on the part of the applicant;
- (3) Administrative expenses not allowed under FMC 74-4;
- (4) Purposes for which funding exists under other State or Federal programs that may reasonably be obtained on a timely basis by the applicants;
- (5) Duplication of current services; or
- (6) Political activities.

§ 1948.60 Delegation and redelegation of authority.

The FmHA or its successor agency under Public Law 103-354 State Director is responsible for implementing the authorities contained in this subpart and may issue State supplements re-delegating these authorities to appropriate FmHA or its successor agency under Public Law 103-354 employees.

§ 1948.61 State supplements and guides.

FmHA or its successor agency under Public Law 103-354 State Directors will obtain National Office clearance for all State supplements and guides in accordance with paragraph VIII of FmHA Instruction 021.2, (available in any FmHA or its successor agency under Public Law 103-354 office).

(a) *State supplements.* State Directors may supplement this subpart as appropriate to meet State and local laws and regulations and to provide for orderly application processing and efficient service to applicants. State supplements shall not contain any requirements pertaining to designations, designation approval, or plan approvals more restrictive than those in this subpart.

(b) *State guides.* State Directors may develop guides for use by applicants if the guides to this subpart are not adequate. State Directors may prepare guides for: items needed for the application; items necessary for the docket; and items required prior to grant closing or construction starts.